IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

–

W.A.M.P No. 2085 of 2004

And

WRIT APPEAL NO : 740 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30-04-2003 in WP NO : 7818 OF 2003 on the file of the High Court.)

Between:

M/s. Cement Corporation of India Limited, Core-5, Scope Complex, 7 Lodhi Road, New Delhi – 110 003, Represented by its Assistant General Manager (Legal) Sri A.Kumar

..... APPELLANT

(in both)

AND

1. A.P.Gas Power Corporation Limited, 201, 2nd Floor, My Home Sarovar Plaza, Secretariat Road, Hyderabad – 500 063.

2. A.P.Transco, Vidyut Soudha, Khairatabad, Hyderabad – 49, represented by its Managing Director.

3. Central Power Distribution Company of A.P.Limited, Operation, R.R.Circle, Mint Compound, APCPDCL, Hyderabad.

4. Board for Industrial and Financial Reconstruction, Jawahar Vyapar Bhavan, 1 Tolstoy Marg, New Delhi – 110 001.

.....RESPONDENTS

(in both)

Prayer in W.A.M.P.NO.2085 of 2004:

Petition filed under Section 151 of CPC praying the High Court to permit the petitioner herein to withdraw the W.A.No.740 of 2003 without prejudice to the right of the petitioner/appellant to invoke arbitration clause to claim compensation against the respondents or such other legal action that may be available to the petitioner to proceed against the respondents for redressal of their claims.

Counsel for the Appellant: MR.P.NAGESWAR SREE

(in both)

Counsel for the Respondent No.1: MR.C.V.NAGARJUNA REDDY

(in both)

Counsel for the Respondents 2 and 3:Smt.M.Vinobha Devi

(in Both)

Counsel for the Respondent No.4: None appeared.

The Court made the following:

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JUDGMENT (per the Hon'ble Sri Justice B.Sudershan Reddy):

The petitioner-appellant preferred the W.A.M.P seeking leave of this Court to withdraw the writ appeal with leave to avail such remedies as may be available to it in law.

The learned single Judge dismissed the writ petition on the ground of maintainability. In such view of the matter, there cannot be any objection to permit the petitioner to withdraw the writ petition with leave to avail such remedies as may be available to it in law.

The W.A.M.P is accordingly ordered and the writ appeal shall accordingly stand dismissed as withdraw without costs.

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(B.SURDERSHAN REDDY,J)

Dated:23-08-2004

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(K.C.BHANU,J)

gj/ks

To

1. A.P.Gas Power Corporation Limited, 201, 2nd Floor, My Home Sarovar Plaza, Secretariat Road, Hyderabad – 500 063.

2. The Managing Director, A.P.Transco, Vidyut Soudha, Khairatabad, Hyderabad – 49.

3. Central Power Distribution Company of A.P.Limited, Operation, R.R.Circle, Mint Compound, APCPDCL, Hyderabad.

4. Board for Industrial and Financial Reconstruction, Jawahar Vyapar Bhavan, 1 Tolstoy Marg, New Delhi – 110 001.

5. Two C.D. copies.